

Serial No.: 10/708,213
Confirmation No.: 2212
Applicant: LINGMAN, Peter *et al.*
Atty. Ref.: 00173.0050.PCUS00

REMARKS:

REMARKS REGARDING THE SPECIFICATION:

Applicant has amended paragraphs as requested by the Examiner. Applicant submits that the specification is appropriately corrected.

REMARKS REGARDING CLAIM AMENDMENTS:

Claims 1, 7, 11, 13, 18, and 22 have been amended in response to the Office Action's Rejections and Objections.

REMARKS REGARDING DRAWINGS:

Herewith, Applicant submits Replacement Sheet drawings that are believed to remedy the cited objections thereto.

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IN RESPONSE TO THE OFFICE ACTION:

REJECTIONS UNDER 35 U.S.C. § 101:

Claims 1-23 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is based on the Office's view that the claims are directed to neither a "process" nor a "machine." Applicant requests the Examiner reconsider the claims in light of the presently presented amendments.

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting both an apparatus and a method.

In response, claims 1, 7, 11, 13, 18, and 22 have been amended according to the specific concerns indicated by the Examiner in the Office Action.

Applicant submits that the above amendments obviate the rejection of the claims under 35 U.S.C. § 112, second paragraph and thus ask that the Examiner reconsider and withdraw the rejection of the claims and indicate their allowance in the next paper issued from the Office.

Applicant respectfully acknowledges Examiner's indication of allowability of Claims 6 and 7.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-5, 8-16 and 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellinger *et al.* (US 6,567,734) in view of WO 02/39073 to Puputti *et al.* Further, claims 1-5, 8-16 and 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhu *et al.* (US 6,167,357) in view of WO 02/39073 to Puputti *et al.*

Applicant respectfully requests that the Examiner reconsider and withdraw the above rejection of the claims in view of the provided Certified Copy of the Priority Document, SE 0102776-2 as well as certification that WO 03/016837 A1 is a true and correct English

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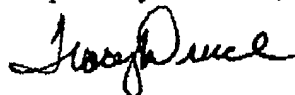
translation thereof (copy included). Therefore, Applicant's priority date precedes the effective date of both the Bellinger ('734) and Puputti documents.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 00173.0050.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



Tracy Druce
Patent Attorney
Reg. No. 35,493
Tel. 202.293.7333